



April 13, 1999

Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR99-1006

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123490.

The City of Corpus Christi (the "city") received a request for:

Any part of a report prepared by the consultant, the International Association of Chiefs of Police, hired by the city using monies from the drug fund to study the Corpus Christi Police Department in possession of the city, including any drafts submitted to the City, monthly reports status reports or any other documents prepared by the I.A.C.P. from January 1, 1998 to present.

You relate that you have provided all of the responsive information that the city had possession of or a right of access to at the time of the request. You do not supply any responsive information for our review. You contend that the city does not possess and has no right of access to documents prepared by the contractor but not submitted to the city under the terms of the subject contract.

While we express no opinion construing the language of the subject contract, we note that information held by a private entity is subject to the Open Records Act only if a governmental body has or is entitled to that information. Open Records Decision No. 462 at 4 (1987). Also, a governmental body has no obligation to obtain the notes or working papers of a private firm that contracts to do a management study, if the contract requires that the private firm turn over only its final report. Open Records Decision Nos. 445 (1986), 492

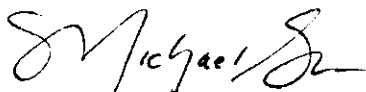
(1988). Further, the Open Records Act does not require a governmental body to obtain new information in order to comply with a request. Open Records Decision No. 561 (1990). Nor does a governmental body have an obligation under the Open Records Act to treat a request as embracing information prepared after the request was made. Open Records Decision No. 452 (1986).

Based on your representation that you have supplied all responsive information that the city had possession of or a right of access to at the time of the request, and absent any indication to the contrary, we conclude that you have no further obligation to produce information responsive to this request.

You have raised Government Code sections 552.106 and 552.111 as excepting certain information, including the final report. As the above discussion addresses production of all responsive information in existence at the time of the request, we shall not address your arguments under these sections of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Burns".

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 123490

encl. Submitted documents

cc: Ms. Nicole Perez
KZTV-10
P.O. Box TV-10
Corpus Christi, Texas 78403
(w/o enclosures)